

appropriation bill to take up the motion to reconsider and lay on the table.

Senator Franks moved to adjourn to 9 o'clock A. M. to-morrow. Lost by the following vote:

Yeas—Senators Avinger, Dohoney, Franks, Latimer, Swift and Mr. President—6.

Nays—Senators Baker, Cole, Ford, Finlay, Fountain, Henry, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Word—16.

The question recurring upon the adoption of the motion offered by Senator Ruby to postpone pending business, the same was put and carried.

Senator Franks moved a call of the Senate. Call not sustained.

Senator Tracy moved to reconsider and lay that motion on the table.

Senator Tracy then withdrew his motion to lay on the table.

The Chair announced that the pending question was Senator Franks' motion offered on last Saturday to reconsider the vote passing the bill in question, being Senate bill No. 362.

On motion of Senator Franks, the Senate adjourned to 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, May 27, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

On motion of Senator Henry, Senate joint resolution No. 43, "Authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to the twenty-seventh of May, 1872, and to perform other duties herein specified, also prescribing the duties of the Comptroller in connection therewith," with House amendments, taken up, and the Senate concurred in the amendments.

On motion of Senator Evans, Senate bill No. 259, "An act to incorporate the Fort Worth and Denver City Railroad Company," with amendments by the House, was taken up, and amendments concurred in.

On motion of Senator Sayers, Senate bill No. 246¹/₂, "An act to incorporate the Burleson Male and Female Academy, in Bastrop county," with amendments by the House, was taken up, and House amendments concurred in.

The motion made by Senator Franks to reconsider the vote passing Senate bill No. 362, "An act to authorize the lessees of the penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," was taken up, and vote reconsidered.

Senator Franks moved to refer the bill to a select committee of three. Lost by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Franks, Henry, King, Latimer, Shelley, Swift, Word and Mr. President—14.

Nays—Senators Baker, Cole, Ford, Fountain, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Tendick and Tracy—14.

Senator Tracy offered the following amendment, which was adopted: "*Provided*, this act shall not take effect nor be in force unless the sureties on the bond of the lessees shall, within sixty days from the final passage of this act, file with the Secretary of State their written assent to the extension of time, and that said sureties will take no advantage of this extension, or said lessees may execute a new bond, to be approved and conditioned as required by law, and in either event this act shall take effect and be in force."

Senator Franks offered the following amendment: Section two, line five, strike out the words "July 5, 1874, and July 5, 1875."

On motion of Senator Tracy the amendment was tabled by the following vote:

Yeas—Senators Baker, Cole, Ford, Fountain, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Swift, Tendick, Tracy and Mr. President—18.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Franks, Henry, Shelley and Word—10.

Senator Finlay offered the following amendment: Add to the end of section second as follows: "*Provided*,

that this act may be repealed by the next Legislature, in which event the original contract shall remain in full force and effect." Lost by the following vote:

Yeas—Senators Avinger, Dillard, Dohoney, Evans, Finlay, Franks, Henry, King, Shelley and Mr. President—10.

Nays—Senators Baker, Ford, Fountain, Gaines, Hall, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Swift, Tendick, Tracy and Word—16.

Not voting—Senators Ball and Cole.

Senator Randle moved the previous question.

On motion of Senator Finlay, a call of the Senate was ordered.

Upon calling the roll it appeared that the Senate was full, and the bill was passed by the following vote:

Yeas—Senators Baker, Cole, Ford, Fountain, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Swift, Tendick, Tracy and Word—18.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Franks, Henry, Shelley and Mr. President—10.

Before the vote was announced, Senator Finlay made the point of order, that it required a two-thirds vote to pass the bill.

The Chair ruled against the point of order and announced that the bill had passed.

On motion of Senator Dohoney, the rule was suspended, and House bill No. 766, "An act to incorporate the Paris, Greenville and Cleburne Railroad Company," with amendments recommended by the Committee on Internal Improvements, was taken up, read second time, and amendments adopted, and bill passed to third reading; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Fountain, Franks, Gaines, Henry, Latimer, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—23.

Nay—Senator Hall—1.

Not voting—Senators King and Randle.

On motion of Senator Swift, the rules were suspended, and House bill No. 563, "An act to amend sections three, five and six of an act to incorporate the Carthage Branch Railroad Company, approved May 22, 1871, and to grant

lands to said company to aid in the construction of its road," was taken up, read second time and passed to third reading; rules suspended, read third time and passed by the following two thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Evans, Ford, Franks, Gaines, Henry, Latimer, Pyle, Rawson, Randle, Ruby, Shelley, Swift, Tendick, Tracy and Word—20.

Not voting—Senators Dillard, Finlay, Hall, King, Saylor and Mr. President.

Senator Henry submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 889, instruct me to report it back and recommend the passage of the accompanying substitute.

JOHN L. HENRY, Chairman.

On motion of Senator Henry, the report was taken up and substitute adopted; read second time and ordered engrossed; rules suspended, read third time and passed.

On motion of Senator Fountain, the rules were suspended, and Senate bill No. 352, "An act to amend an act amendatory of an act prescribing the times of holding the district courts in the State, approved April 17, 1871," was taken up, read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Shelley, chairman of the Committee on Finance, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 453, to be entitled "An act regulating taxation," have carefully considered the same, and I am instructed to report it back with the accompanying amendments, and as amended recommend its passage.

N. G. SHELLEY, Chairman.

Section one. Amend section one, line three, by striking out the words "one-fourth" and inserting the words "one-half."

Also, add to section one the following, to-wit: "Provided, that the tax herein levied shall include all special assessments required by any law now in force to be made by the Comptroller, to provide for the payment of interest and sinking fund on bonds authorized to be issued by the

State of Texas under any previous law; and the Comptroller is hereby required to set apart a sufficient per cent. of the tax herein assessed and collected to cover said interest and sinking fund, and shall make his deposit warrants specifying the same."

Section three. Amend section three, line seven, by inserting between the words "less than" and the words "ten gallons" the words "one quart, three hundred dollars; in quantities over one quart and less than."

Also, amend section three, lines one hundred and thirty-seven, one hundred and thirty-eight and one hundred and thirty-nine, by striking out the words, "from every person, firm or association of persons keeping a barber shop, two dollars and fifty cents for every chair therein at which a barber works."

Section eight. Amend section eight, in lines twenty-four and twenty-five, by striking out the words, "tools and implements belonging to and used by every trade and profession."

On motion of Senator Shelley the rules were suspended and report taken up, and one hundred copies of the bill and report were ordered printed, and made the special order for to-morrow at 10 o'clock.

The hour having arrived, the special order, viz., the general appropriation bill, was taken up.

Senator Ruby moved to postpone the bill till quarter to 12 o'clock. Lost.

The question pending when the bill was last before the Senate, viz., Senator Finlay's amendment to strike out, under the head of Miscellaneous, all after the twenty-second line down to and including the thirty-fourth line, was taken up, and the Senate refused to adopt the amendment by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Evans, Finlay, Franks, Henry, King, Latimer, Ruby, Saylor and Word—12.

Nays—Senators Baker, Cole, Ford, Fountain, Gaines, Hall, Pyle, Rawson, Randle, Sayers, Shelley, Swift, Tendick, Tracy and Mr. President—15.

Not voting—Senator Dohoney.

Senator Franks proposed to amend as follows: Page nine, School Department, add, after line nineteen, the words, "For salaries of teachers of public free schools, \$500,000." Adopted.

Senator Dohoney proposed to amend by adding after line eighteen, under the head of School Department, the words "for books, blanks and stationery for the office of Superintendent of Public Instruction, \$5000." Adopted.

Senator Shelley offered the following amendment: Amend School Department by inserting after "books, blanks and stationery," "and contingencies, \$1000." Add after line twelve, "amount due president of educational board of examiners, \$84. For printing blank forms, \$500."

Adopted.

On motion of Senator Swift the vote yesterday striking out "\$15,000," and inserting "\$3000," to pay school inspectors, was reconsidered, and "\$15,000" again inserted.

Senator Dohoney proposed to amend School Department by inserting after line eighteen the words "for salary of one clerk, \$1800." Adopted.

Senator Finlay offered the following amendment: Add at the end of line forty-nine, title Comptroller's Office, "*provided*, that all printing for the Comptroller's office shall be done by the State Printer." Adopted.

Senator Franks proposed to amend page ten, title Lunatic Asylum, by striking out "1200," in line eight, and inserting "300." Laid on the table.

Also proposed to amend page ten, Lunatic Asylum, by striking out "6000," in line eight, and inserting "3000." Laid on the table.

On motion of Senator Baker the main question was ordered, which being the engrossment of the bill, the same was put and the bill ordered engrossed.

The rules were suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Evans, Ford, Fountain, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—23.

Nays—Senators Dillard, Finlay and Franks—3.

Not voting—Senators Tracy and Mr. President.

Senator King reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills, to whom was referred Senate bill No. 135, "An act relating to paupers and minor offenders, and to establish county farms for manual labor, poor houses and houses of cor-

rection," have examined the same and find it correctly engrossed.

HENRY C. KING, Chairman.

Senator Shelley, chairman of Committee on Finance, reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 368, to be entitled "An act supplementary to an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved April 12, 1871," have carefully considered the same, and your committee are of opinion that railroad corporations have already been sufficiently subsidized by the State of Texas in her munificent bounties; and as the bill proposes to further subsidize railroads by releasing to them the State and county taxes, and if adopted the whole system of aiding railroads would then amount almost, if not quite, to the building and completing of the various roads in the State by the State, and the donation of them, when built, to the corporations—while your committee claim to be in favor of railroads, and would deprecate anything like penuriousness on the part of the State, they must ask leave to protest against any such wholesale munificence as is proposed in this bill, especially in the present financial condition of the country, and they therefore report the bill back and ask that it do not pass.

N. G. SHELLEY, Chairman.

A message was received from the House informing the Senate of the passage by the House of the following House bills:

No. 953, "An act for the relief of Alfred S. Thurmond."

No. 897, "An act to authorize C. H. Randolph, W. A. Pitts, and John O. Johnson to compile an abstract of titled and patented lands."

No. 668, "An act amendatory of and supplemental to an act to incorporate the Galveston and Eastern Texas Railroad Company, approved December 1, 1871."

The hour having arrived, the special order, viz., House bill No. 712, granting lands to International Railroad, with majority and minority reports from the Committee on Internal Improvements, was taken up.

Senator Shelley moved to lay the majority report on the table. Lost by the following vote:

Yeas—Senators Avinger, Dillard, Dohoney, Evans, Henry, Latimer, Sayers, Shelley, Swift and Mr. President—10.

Nays—Senators Baker, Ball, Cole, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Randle, Ruby, Saylor, Tendick, Tracy and Word—18.

Senator Dohoney moved to adopt the minority report, and indefinitely postpone the bill.

Senator Saylor moved to lay the motion on the table. Carried by the following vote:

Yeas—Senators Baker, Cole, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Randle, Ruby, Saylor, Tendick, Tracy and Word—17.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Henry, Latimer, Sayers, Shelley, Swift and Mr. President—11.

Senator Saylor moved the adoption of the majority report.

On motion of Senator Ruby, the Senate adjourned till 4 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called; quorum present.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 374, "An act to amend Article 392 of the Criminal Code," ask leave to report the same back and recommend its passage.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 929, entitled "An act to provide for the recording writ of error and appeal bonds, and to give them the force and effect of judgment liens," instruct me to report the same back and recommend its passage.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 926, entitled "An act supplement-

tary to and amendatory of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, passed August 13, 1870," instruct me to report the same back and recommend its passage.

JOHN L. HENRY, Chairman.

Senator Tracy submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate joint resolution No. 43, authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, Geo. W. Honey, to the twenty-seventh of May, 1872, and to perform other duties herein specified, also prescribing the duties of the Comptroller in connection therewith, and find the same correctly enrolled.

J. G. TRACY, for Committee.

The question pending when the Senate adjourned this morning, viz., the adoption of the majority report from the Committee on Internal Improvements, on a House bill granting land to the International Railroad, which report recommended a substitute for the bill, was taken up.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 457, "An act to provide for the construction and repairing of court houses and jails by the several counties of the State."

Senate bill No. 304, "An act to incorporate the Clinton Bridge Company."

Senate bill No. 326, "An act to validate first class land certificate No. 150, issued to Freeman Prewitt by the Board of Land Commissioners of Jasper county, July 5, 1839."

Also, House joint resolution requiring county courts to make settlement with sheriffs and treasurers of school boards.

Senator Word offered the following proviso to the substitute reported by the majority: "*Provided*, that the said International Railroad shall, by the proper authority of said corporation, within the time above specified, relin-

quish all right to any further amount of bonds or further subsidy, for or on account of said road; *and provided further*, that said International Railroad shall finish and complete the said railroad to the full extent of its line within the time prescribed by the original charter, and this act shall be a full and final settlement of all matters between the State of Texas and said corporation as to any subsidy granted by the original charter; and on failure so to finish and complete said road, the said corporation shall forfeit all claim and right to its charter and to all rights under said charter."

Senator Finlay proposed to substitute the amendment by the following: Amend by adding at the end of the first section the following: "*Provided*, that in no event shall bonds be issued to the International Railroad Company, under the act of August 5, 1870, except on the line between Jefferson and San Antonio."

On motion of Senator Latimer the Senate adjourned to 9 o'clock A. M. to-morrow, pending Senator Finlay's substitute for Senator Word's amendment.

SENATE CHAMBER,
AUSTIN, TEXAS, May 28, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. J. R. Welmeth.

On motion of Senator Gaines the reading of the journal of yesterday was dispensed with.

The following communication from his Excellency the Governor was taken from the President's desk and read:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, May 27, 1873.

*To the Honorable Senate and House of Representatives
of the State of Texas:*

GENTLEMEN: In view of the probable early adjournment of the Legislature, and because, as I understand from members of the special committee of both houses to examine Treasurer's and Comptroller's offices, the limited time which they could devote to their committee duties has not permitted them to thoroughly complete the examination of the matters entrusted to them, in conformity with my message of fifth of March last, I have to suggest